REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1, 3-29, 31-36 and 44-47 were pending and rejected. In this response, no claim has been canceled. Claim 25 has been amended. No new matter has been added.

Claims 1, 3-15, 21-22, 24-29, 31-35, and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,505,160 of Levy et al ("Levy") in view of U.S. Patent No. 6,166,735 of Dom et al. ("Dom"). Claims 16-20, 23, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Dom and U.S. Patent No. 6,097,389 of Morris et al. ("Morris").

In view of the foregoing amendments, it is respectfully submitted that claims 1, 3-29, 31-36 and 44-47 include limitations that are not disclosed or suggested by the cited references, individually or in combination.

Specifically, for example, independent claim 1 recites:

> 1. A system comprising:
> a controller configured to select an identifier associated with a media object and to send a request to play the media object identified by the identifier, wherein the controller sends the request by wirelessly transmitting the request having the identifier stored in the controller over a first network, the first network being a wireless network; and
> an appliance configured to receive the request having the identifier from the controller over the wireless network, to determine whether the identified media object is stored in the appliance, to retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance, and to play the media object in response to the request.

(Emphasis added)

Independent claim 1 includes a controller that wireless communicates with an appliance over a first network which is a wireless network, where the appliance communicates with a first server over a second network which is different than the first network. The controller sends a

request to the appliance to play a media object by wirelessly transmitting an identifier identifying the requested object in the appliance. In response to the request wireless received from the controller over the first network, the appliance determines whether the requested media object is locally stored in the appliance and retrieves the requested object from the first server over the second network (e.g., different than the first network) if the appliance does not have the requested object stored therein. Thereafter, the appliance plays within the appliance (rather than the controller) the retrieved object. It is respectfully submitted that the above limitations are absent from levy.

Rather Levy is related to embedding an identifier within an audio stream, such that when the audio stream is played, the identifier causes the player to access another server to retrieve additional information or advertisement to invite the user to purchase more content from the server (see Abstract of Levy).

Although Levy mentioned a wired or wireless network, Levy still fails to disclose the specific configuration recited in claim 1. Specifically, Levy fails to disclose a network appliance to receive a request to play a media object from a controller (e.g., a portable device or PDA) over a wireless network (e.g., a first network), to determine whether the requested media object is stored in the network appliance, to retrieve the requested media object from a server over a second network different than the first network (e.g., wireless network), and to play the retrieved media object within the network appliance (rather than the controller).

As discussed above, there are at least three parties involved here: a controller, a network appliance coupled to the controller over a first network, and a server coupled to the network appliance over a second network different than the first network, where the first network is a wireless network (also see claim 25 as amended). It is respectfully submitted that Levy fails to disclose such configuration.

The Office Action contended that col. 4, lines 20-67; col. 5, lines 1-12; col. 5, line 56 to col. 7, line 12; and col. 10, lines 4-29 and 58-67 of Levy disclose the above limitations (see 1/26/2006 Office Action, page 3). Applicant respectfully disagrees. The cited sections of Levy merely described how an audio player downloads audio content from a server over Internet and plays the downloaded audio content within the audio player.

Specifically, Levy stated:

> "Once associated with an audio object and metadata, the identifier transforms the audio object into a linked object. The identifier remains with the object through distribution, although some embedding processes are more robust than others to intentional or unintentional distortion/removal of the identifier. There a variety of different distribution scenarios. Some examples depicted in FIG. 1 include transferring an audio object over a computer network, streaming the object over a computer network, or broadcasting it (e.g., AM/FM broadcasting, digital broadcasting, broadcasting over wireless carriers, etc.). Whatever the distribution process, a user ultimately receives the linked object in a player, tuner, or capture device.
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> To activate the linked object, a decoding process extracts the identifier and uses it to access associated data or actions. The decoding process may be implemented as a separate program or device, or integrated into a player, tuner, or some other capture device, such as a listening devices that converts ambient audio waves to an electronic signal and then extracts the identifier from the signal.
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> In the configuration shown in FIG. 1, the decoding process forwards the extracted identifier to a communication application, which in turn, forwards it in a message to a server. The decoding process or the communication application may add additional context information to the message sent to the to a server. The context information may relate to the user, the user's device, the attributes of the session (time of playback, format of playback, type of distribution (e.g., broadcast or transmitted audio file), etc.) Based on identifier and optional context information, the server determines an associated action to perform, such as re-directing an identifier or context data to another server, returning metadata (including programs, content, etc.), downloading content, logging a transaction record. To find the associated action or actions, the server maps the identifier to actions based on the information established in the mapping process. The server may: 1) look up the data and actions in a local database stored in its memory subsystem; 2) route the identifier to one or more other servers via the network, which in turn look up related actions and data associated with the identifier; or 3) perform some combination of actions 1 and 2.
>
> In the first case, server 1 returns data or actions associated with the identifier. The server may look up related data based on the identifier alone, or based on the identifier and other context information. Context information may be information provided by the user, by the user's computer or device, or by some other process or device. In the second

case, the server looks up one or more addresses associated with the identifier and forwards the identifier and/or possibly other context data to secondary servers at these addresses via conventional networking protocols. Again, this context data may include data from the user, the user's computer, some other device or database. For example, server 1 might query a remote database for instructions about how to process an identifier. These instruction may specify data to return to the communication application or to forward to another server, which in turn, looks up associated data and returns it to the communication application. A server may return data that an audio player displays to the user or uses to control rendering of the content. For example, the server can tell the player that the object contains inappropriate content for children. The player or user can make decisions about whether or how to play the material based on this information."

(Levy, col. 4, line 20 to col. 5, line 16)

"In the context of a network configuration, Internet protocols may be used to return data to the communication application or to the device or system in which it operates. The communication application may be implemented in a web browser, such as Internet Explorer or Netscape Navigator. Examples of ways of exchanging information between a client player and a server include returning a web page with metadata and program scripts designed to run on the end user's system. The metadata itself may include active links, such as URLs to other network resources, such as a web site or some other network service. The path of the identifier from the decoding process, and the return path from a server to the communication application may include one or more hops through a wire or wireless connection using standard wire and wireless communication protocols like TCP/IP, HTTP, XML, WAP, Bluetooth, etc. In addition, data returned to the user may be routed through one or more servers that may forward the data, and in some cases, augment the data or modify it in some fashion.

FIG. 2 is a diagram illustrating applications of the system depicted in FIG. 1. In the application scenarios depicted in FIG. 2, an embedding process encodes an object identifier (OID) into an audio file, such as an ID3 tag in the header of an MP3 file or audio frame headers in the MP3 file. FIG. 2 shows two embedding scenarios. The first is an MP3 distributor that embeds OIDs in MP3 files before transmitting them over a network, such as the Internet, typically via a web site interface. The second is a file ripping process where a programmed computer or other device extracts an audio object from packaged media such as a CD and converts it into a coded file format like MP3 . In the latter case, the ripping process may extract metadata from the CD, such as the table of contents, and use this metadata as a key to a database (CDDB) to get information about the songs on the CD, such as title, artists, etc. The table of contents or other metadata from a package medium, such as optical or magnetic storage or flash memory, may be hashed into an index to a database entry that stores information about the media signal stored on the medium. The ripping process uses the information returned from the database to identify the audio objects on the packaged media so that they can be associated with an OID. This is an example of identifying information used to associate an OID with an audio object. As part of the coding process, the ripping process inserts the OID in the file header of the MP3 file.

Later, when a user opens or plays the marked MP3 in a player, such as a software player like the real player, Liquid Audio player, Windows Media Player (WMP), WinAmp, MusicMatch, etc., a plug-in software module in the player extracts the OID and forwards it to a server via an Internet connection. The plug-in may establish its own Internet connection, or pass the OID to an Internet Browser, which in turn, establishes a connection (if one is not already present) with the server. As an intermediate step, the plug-in may display a window with user options, such as "learn more about the song", "play the song", or both. The user can then choose to get more information by actuating the first or third options in the user interface window, which cause the plug-in to forward the OID to the server.

The server then returns a web page associated with the OID, or re-directs the OID to another server (e.g., one maintained by the content distributor or owner), which in turn, returns a web page of information about the object and links to related actions (e.g., a link to a licensing server, a link to a server for buying and downloading related music etc.). The licensing server may be programmed to download software players and new music offerings compatible with those players. For instance, the licensing server may provide software for decrypting, decoding, and playing electronically distributed music according to usage rules packaged with the electronically distributed music. In this application scenario, the linking of the MP3 file enables the content owner to market music and products that promote the sale of audio objects in other formats, included formats protected with encryption, watermark copy managements schemes, etc.

In the event that a media object is not linked, the decoding and server processes can be programmed to enable the user to purchase a link for the object. For example in one scenario, the player plug-in displays a graphic for a link information indicating that the link is available after determining that an OID is not in the file. If the user clicks on the graphic, the plug-in displays more information about the procedure for purchasing or renting a link. This information may be provided in conjunction with querying the server and displaying information returned from the server, or alternatively, providing preprogrammed information incorporated into the plug-in. If the user is interested in purchasing the link, he or she can then enter input (e.g., click on a button such as "Get Link") that initiates the process of registering an OID with the object and associating metadata or actions with the OID. The process of registering the OID and associating the OID with metadata or actions may be performed as described in this document. This scenario provides yet another mechanism for transforming content into connected content."

(Levy, col. 5, line 51 to col. 7, line 12)

"While specifically discussed in the context of audio objects, the fingerprinting process applies to other types of multimedia content as well, including still images, video, graphics models, etc. For still images and video, the identifier can be derived dynamically from a compressed or uncompressed version of the image or video signal. The fingerprinting process may be tuned to generate a specific identifier based on the type of file format. For example, the process extracts the file format from the file (e.g., from a header or footer), then uses a fingerprinting process tailored for that type of file (e.g., a hash of a compressed image or video frame). The dynamic identifier computed by this

process may be associated with metadata and/or actions using the processes and systems described in this document.

Registration Process

One way to implement the registration process is to build client and server application programs that communicate over a computer network using standard network communication protocols . The client may be implemented as a software program that provides identifying information about an audio object. It can obtain the information by prompting the user for the identifying information, or from extracting it from the audio object or its container. The server may be implemented as a database management program that manages identifiers and corresponding audio objects. When queried to provide an identifier for particular identifying information, the program checks whether it has already assigned an identifier to an object based on the identifying information. If so, it returns that identifier that has already been assigned. If not, it assigns a new identifier number, creates a new entry in the database for that number and its associated identifying information.

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One example is a broadcaster ID, such as a radio station ID. Audio broadcast by, the radio station is embedded with this radio station ID. To identify the object, context information such as the play time captured at the tuner is used along with the radio station ID extracted from the received audio signal to identify the audio object. The decoding process forwards this information to a server. Using the radio station ID and context information, the server maps the ID to an appropriate action. This may include querying a radio station's playlist database for an object identifier based on the station ID and context information. The server can then map the object identifier to an action or metadata based on the object ID returned from the playlist database. Other scenarios are possible. For example, the server could forward the station ID, context data and decoder address to a radio station server, which in turn, looks up the appropriate action or metadata (e.g., web page) and sends it to the device that decoded the station ID."

(Levy, col. 10, lines 4-35 and 50-67)

Thus, the cited sections of Levy are related to how to use the identifier to access additional context information and perform further action and how to embed an identifier within an audio stream. There is no disclosure within Levy of a specific configuration recited in claim 1 (e.g., a three-party configuration set forth above), where a controller instructs a network appliance over a wireless network to retrieve a media object from a server over a second network different than the wireless network if the requested media object is not stored in the network appliance, and the network appliance plays the requested media object.

Even if, for the sake of argument, the audio player (e.g., MP3 player) of Levy may be considered as a network appliance as recited in claim 1, such an audio player does not receive a request to play a media object from a controller over a wireless network (e.g., a first network), download the requested media object from a server over a second network different than the first network (e.g., wireless network), and play the media object for the controller. There is no mention of a controller wirelessly communicating with an appliance within Levy.

In contrast, according to certain embodiments of the present application, the media object is not stored within the controller and the controller only stores identifiers for identifying the media objects. In response to the identifier wirelessly received from the controller, the network appliance determines whether the identified media object is stored within the network appliance. If so, the network appliance will play the media object. Otherwise, the network appliance downloads the media object from server over another network (e.g., Internet) and plays the downloaded media object.

Dom is related to a GUI for selectively download and displaying video data objects while Morris is related to a GUI for manipulating a collection of digital media. It is respectfully submitted that Dom and Morris also fail to disclose or suggest the limitations set forth above with respect to claim 1.

In addition, both Dom and Morris are related to GUIs for manipulating digital objects, while Levy is related to embedding an identifier within an audio stream for the commercial advertisement purposes. There is not suggestion within Levy, Dom, and Morris to combine with each other. Levy, Dom, and Morris are solving significantly different problems and their approaches are significantly different. One with ordinary skill in the art would not combine these references because such a combination lacks motives and reasonable expectation of success. Such a combination can only be found based on the impermissible hindsight of

Applicant's own disclosure. Even if Levy, Dom, and Morris were combined, such a combination still lacks the limitations set forth above.

In order to render a claim obvious, each and every limitations of the claim must be taught by the cited references, individually or in combination. It is respectfully submitted that Levy, Dom, and Morris, individually or in combination, fail to disclose the limitations set forth above. Therefore, for the reasons set forth above, it is respectfully submitted that claim 1 as amended is patentable over the cited references.

Similarly, independent claims 29 and 44 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, independent claims 29 and 44 are patentable over the cited references.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over the cited references. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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